

**STATE OF RHODE ISLAND
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES**

PUBLIC NOTICE OF PROPOSED RULE-MAKING

In accordance with Rhode Island General Law (RIGL) 42-35 and 42-72-5, notice is hereby given that the Department of Children, Youth and Families proposes to amend the following DCYF rule:

Child Fatality and Near Fatality Response

This rule, formerly entitled **Child Fatality Response**, has been amended in compliance with RIGL 42-72-8, which provides for the disclosure of information relating to a child fatality or near fatality in accordance with the Child Abuse Prevention and Treatment Act (CAPTA), as amended, P.L. 104-235 (42 USC 5106a). CAPTA requires the Department to develop guidelines which allow for public disclosure of the findings or information about the case of child abuse or neglect that has resulted in a child fatality or near fatality. The previous version of this policy, refiled 1/5/07, is superseded by this amended version.

In the development of this rule, consideration was given to the following: (1) alternative approaches; and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

This proposed rule is accessible on the R.I. Secretary of State website (<http://www.sec.state.ri.us/ProposedRules/>) and the DCYF website (<http://www.dcyf.ri.gov>) or available in hard copy upon request (401 528-3686 or RI Relay, dial 711). Interested persons should submit data, views or written comments by February 27, 2009 to Dorothy Hultine, Implementation Director for Policy & Programs, Department of Children, Youth and Families, 101 Friendship Street, Providence, RI 02903.

In accordance with RIGL 42-35-3, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

The Department of Children, Youth and Families does not discriminate on the basis of race, color, national origin or handicap in acceptance for or provision of services or employment in its programs or activities.

Patricia Martinez, Director

Child Fatality and Near Fatality Response

Rhode Island Department of Children, Youth and Families

Policy: 100.0165

Effective Date: July 23, 1990 Revised Date: _____

Version: 12

~~The Department requires an immediate and thorough response to the fatality or near fatality, resulting from abuse or neglect, of When a child who is under the care and supervision in the care/custody of the Department, or for whom the Department is providing services dies, an immediate and thorough response is required. As an integral part of this response, the Department will conduct a child fatality review. There may also be a review when a child with previous Departmental involvement dies from abuse and/or neglect. An In the event that a child in the care/custody of the Department dies, an immediate administrative meeting will be scheduled by the Director or designee. Departmental employees to be included, but not limited to, are: the Director, Associate Director, Administrator of Child Protective Services, Chief of Staff, Regional/Assistant Director of the respective division, Unit Administrator, Supervisor, and Primary Service Worker. Additional service providers and/or agency representatives may be involved when appropriate. The purpose of this meeting is to review the incident and, gathering all available preliminary information, available at that time.~~

~~When the circumstances require further investigation, a child fatality response team, which includes DCYF staff and community partners, will be appointed, comprised of designated Departmental employees. To ensure stability of the group the members of this team will be permanent in nature and will be selected in accordance with Policy: Complaints/Charges Against Employees of Local 580. The team will be coordinated by the Assistant to the Director. The purpose of this review is to examine the circumstances surrounding the death/fatality or near fatality, and evaluate the implications for future practice. This review will enable the Department and the community to identify important issues related to child protection and take appropriate action to improve efforts to prevent child fatalities and near fatalities in the future. The Department is not alone in its responsibility to protect children; therefore, reviews and subsequent recommendations should address issues of interagency collaboration, communication and decision-making. The Department may also review the fatality or near fatality, resulting from abuse or neglect, of a child who was previously under the care and supervision of the Department. The team will assess the quality of services provided by the Department, evaluating compliance with applicable regulations and policies. The review may require staff interviews for the purpose of obtaining first hand information of critical case events. The employee is entitled to have representation present during this process.~~

~~The team will submit a final report to the Director within thirty (30) working days of the team's initial meeting. The Director will conduct a follow-up review within sixty (60) days of receiving the final report to ensure that the recommendations have been addressed and/or implemented. RIGL 42-72-8 provides for the disclosure of information relating to a child fatality or near fatality in accordance with the Child Abuse Prevention and Treatment Act (CAPTA), as amended, P.L. 104-235 (42 USC 5106a), which requires the Department to develop guidelines which allow for public disclosure of the findings or information about the case of child abuse or neglect that has resulted in a child fatality or near fatality. A near fatality, as defined under CAPTA (42 U.S.C. 5101 et seq.) is an act that, as certified by a physician, places the child in serious or critical condition.~~

~~Support services for Departmental employees will be coordinated through the Department's Critical Incident Stress Management Team and Staff Development Unit and the Associate Director. These services include Peer Support Groups and a Trauma Response Team. The RI Employee Assistance Program is also available on a self-referral basis.~~

Related Procedure

Child Fatality and Near Fatality Response

Child Fatality and Near Fatality Response~~Immediate~~ ~~Departmental Response~~

Procedure From Policy 100.0165: Child Fatality and Near Fatality Response

A. Immediate Departmental Response

1. In all fatalities and near fatalities, resulting from abuse and/or neglect, involving children under the care and supervision in the care and/or custody of the Department, the Director or his/her designee must be immediately notified immediately of the incident. In those situations when a Departmental employee first learns of the child's death, he/she will notify the Director. The Administrator of Child Protective Services (CPS) Assistant Director or designee will make the notification if the incident is reported to the Call Floor during standard working hours. The on-call CPS administratorAdministrator On-Call will make the notification when if the incident is reported during nights, holidays or weekends.
2. B. The Director or designee will notify the Deputy Director, administrative the Chief Legal Counsel, Regional/Assistant Director or administrator of the respective division, and the Chief of Staff. The Regional/Assistant Director or administrator will notify the worker, supervisor and unit administrator.Primary Service Worker, Supervisor, and Unit Administrator:
 1. In the event that a child in the care/custody of the Department dies, an immediate administrative meeting will be scheduled by the Director;
3. Worker, supervisor and administrator with case responsibility 2. As soon as the Administrator, Supervisor, and Worker are notified, the Administrator will ensure that a review of the case record is initiated, and developing prepare a chronology of Departmental involvement for the administrative review.;
4. 3 An administrative review will be scheduled by the Director or designee and will include all administrative and direct care DCYF and community partner staff who have involvement with the family, the Chief of Staff and administrative legal counsel. All involved staff are required to attend, including but not limited to: the Director, Associate Director, Chief Legal Counsel, Regional/Assistant Director of the respective division, Chief of Staff, Primary Service Worker, Supervisor and Unit Administrator. If a foster family is involved, the licensing administrator Chief of Staff and/or designee of the Licensing Unit will also attend. Additional service providers and/or agency representatives may be involved when appropriate. The child's case record and legal case record will be available for review at this meeting.;
5. 4 The purpose of this meeting is to review the incident and, gathering all available preliminary information, available at that time;
6. The Deputy Director or designee will coordinate the assignment of staff responsibilities relating to gathering additional information, interacting with other agencies and preparing a report and/or press statement.
7. If it is determined that a more in depth review is required, a Child Fatality Response Team will be convened.
- 6.5. A preliminary report and press statement will be written within three (3) hours of the meeting:
 - a. The Department will respond to inquiries from the media regarding child deaths, but will not initiate contacts with the media unless otherwise determined by the Director. The Director will determine on a case by case basis what employee(s) will be the media spokesperson; and
 - c. All information will be distributed consistent with Policy for Public Information and Relations and Confidentiality.

B. Child Fatality Response Team

1. ~~A.~~ When the ~~circumstancesituation~~ requires further investigation, ~~a the~~ child fatality-response team, which includes DCYF staff and community partners, will be convened and coordinated by the Deputy Director or designee.
2. When applicable, members of the team will be selected in accordance with DCYF Policy 200.0040, Complaints/Charges Against Employees Represented by Local 580.
3. The purpose of this review is to examine the circumstances surrounding the child fatality or near fatality ~~will be assigned to examine the circumstances surrounding the death~~ and to evaluate the implications for future practice.
4. The team will assess the quality of services provided by the Department and community partners, evaluating compliance with applicable regulations and policies.
5. The review may require staff interviews for the purpose of obtaining first hand information of critical case events. Employees may have representation present during this process.
6. ~~1.~~ A coordinated and cooperative effort with other departments and agencies such as hospitals, Medical Examiner, Attorney General and police departments may be required. During the review, the DeputyAssistant to the Director or designee will coordinate the assignment of staff responsibilities relating to for gathering the necessary information and interacting interaction with ~~other these~~ agencies ~~and for gathering the necessary information~~.
7. Agenda items include, but are not limited to:
 - a. Current and past involvement with the Department, including CPS investigations ~~(if applicable);~~
 - b. Legal status, court orders;
 - c. Present living arrangement, other children in the placement, adult providers, other adults living in or who frequent the home or facility
 - d. Medical and behavioral history;
 - e. Review of case record, ~~case assessment and service plan agreement,~~ worker case documentation, client contact;
 - f. Agency's effort for providing identified services;
 - g. Worker's caseload size, supervisory ratio;
 - h. Worker's training records ~~(core curriculum);~~
 - i. Case records of other service providers ~~if~~ involved with the family;
 - j. Applicable policies and procedures;
 - k. Drug/alcohol use by child, family members and caretakers (includes foster family);
 - l. Runaway attempts ~~(if applicable)~~ and documented efforts at locating child;
 - m. Strategies for assisting the remaining children, parent(s), foster family, relatives, significant others and staffworker(s);
 - n. Review of plans and, needs, for remaining child(ren) in home or facility to ensure safety, permanency and well-being;
 - o. Licensing status of substitute care provider.;
 - p. Police and coroner reports; ~~and~~
 - q. Development of an agency position and drafting ~~a~~ statement for the press.
8. A final report will be submitted to the Director within thirty (30) working days. The final report will include a summary of the findings and recommendations to improve any identified management and/or systems issues that were cited during the review process. In some situations, all the facts may not be available to the team within this timeframe. In these instances the Director may allow an extension until the necessary information is available. ~~has been attained~~. Weekly updates will be provided to the Director in all cases.

9. The Director will conduct a follow-up review within sixty (60) days of receiving the final report to ensure that the recommendations have been addressed and/or implemented.
 10. Staff must assist and cooperate with the Child Advocate's Office concerning any review or investigation, including providing the Child Advocate's Office with all information known to DCYF.
- C. Release of CPS information pursuant to the Child Abuse and Prevention Treatment Act (CAPTA), as amended (P.L. 104-235) (42 USC 5106a).
1. The Department will provide for the disclosure of available facts to the public about a child abuse or neglect case that results in a child's fatality or near fatality.
 2. The Department will release the following available information to the public, providing that nothing disclosed would be likely to compromise the integrity of a criminal investigation or proceeding.
 - a. The fact that a report has been made concerning the alleged victim child
 - b. Whether an investigation has been initiated
 - c. The result of the completed investigation or information about such a case if there are no findings
 - d. Dates and outcomes of child abuse or neglect investigations concerning the alleged victim child
 3. The Department will respond to inquiries from the media regarding child fatalities and near fatalities, but will not initiate contacts with the media unless otherwise determined by the Director.
 4. The Director will determine on a case by case basis who will be the DCYF spokesperson.
 5. All information will be distributed consistent with the Department's policies relating to confidentiality and public information and relations.

Procedure From Policy 100.0165: Child Fatality Response

D. Staff Support

1. Each individual's response to stress is unique. In some instances the worker may not realize the extreme pressure that he/she is under. The Department recognizes that at times, crises occur overwhelming our ability to cope effectively. The Department understands these pressures and promotes a system to assist each staff member who has been affected by the child's death. The following approach has been developed to address and reduce the effect of stress:
 2. Support services for Departmental employees will be coordinated through the Department's Critical Incident Stress Management (CISM) Team, which is available to provide peer support to colleagues during stressful events.
 3. The CISM Team mission is to provide peer support to colleagues during these stressful events. Team members are nominated by peers and represent the Department's various divisions.
- ~~1. The Department encourages the establishment of Peer Support Groups. Consisting of trained volunteer staff, the peer support group(s) will meet on a regular schedule and are accessible to any staff who desire them. The purpose of these groups is to provide an ongoing resource for workers to address, prevent and/or cope with stress related issues. The Department will provide the administrative support necessary to accomplish this objective;~~
- ~~2. A Trauma Response Team (TRT) has been established. This team is comprised of Departmental and RI Employee Assistance (RIEAP) staff trained in stress management. The purpose is to meet with staff and/or whole units following a traumatic event as both a debriefing process and to offer practical advice on stress management. The Unit Administrator and/or Supervisor will arrange for the coordination of the TRT in the event of a traumatic event; and~~

6.4. The RI Employee Assistance Program (RIEAP) is also available to assist employees on a self referral basis.